

REMARKS

In the aforesaid Office Action of May 21, 2003, the claims of this application have been rejected under 35 U.S.C. §112 for indefiniteness. The claims have also been rejected under 35 U.S.C. §102(b) as assertedly anticipated by Matsumoto European Patent Publication EP 808950A1. For the reasons more fully discussed below, the applicant respectfully disagrees and traverses these rejections. Reconsideration of this application is respectfully requested.

Claims 1-7 have been rejected under Section 112, second paragraph, as assertedly indefinite for use of the terms "warp" and "filling", on the grounds that these terms are somehow improper for use in connection with knitted fabrics and instead should be replaced by the terms "wale" and "course."

The applicant respectfully disagrees and traverses this rejection. The applicant does not deny that the terms "wale" and "course" are proper knitting terms, but also it is just as correct that the terms "warp yarn" and "filling yarn" (or the equivalent term "filling") are equally if not more proper in describing the structure of a crochet warp knitted fabric.

As the specification in the present application explains, crochet warp knitted structures are basically formed of at least one set of warp yarns extending lengthwise through the fabric structure and at least one, and more typically multiple, filling yarns traversing widthwise through the fabric structure in generally perpendicular relation to the warp yarns. The warp yarns and filling yarns thusly constitute the constituent elements (sometimes together with additional yarns) making up a crochet warp knitted structure.

As further evidence that the use of these terms is proper in describing a crochet warp knitted structure, and also in claiming such structure, reference may be made to various prior art patents relating to other crochet warp knitted products: U.S. Patent Nos. 4,551,994 (e.g., Col. 6, lines 4 *et. seq.*, and Claim 1); 5,452, 591 (Col. 2, lines 47-58, Col. 3, lines 25 *et. seq.*, Col. 6, lines 15-30, and Claim 12); 5,758,519 (Col. 4, lines 38 *et. seq.*); 5,768,758 (Col. 4, lines 38-53, Col. 5, lines 3 *et seq.*); 6,516,637 (Col.1, lines 48-59, Col. 2, lines 66 *et seq.*, and Claim 1); and 6,286,341 (Col. 7, lines 33-48, Col. 9, line 66 - Col. 10, line 9). A copy of each patent is attached. In each such patent, the terms "warp yarns"

and "filling yarns" (and/or closely comparable/equivalent terms such as "warp", "filling" or "filler") are used in the context of a crochet warp knitted structure, comparable to the use of the terms in the present application.

In view of the foregoing, it is respectfully submitted that the claims of this application in defining the present mattress closing tape by its constituent "warp yarns" and "fillings" is squarely in compliance with accepted conventional terminology used by persons of skill in the relevant art, particularly with reference to crochet warp knitted structures, and hence is not indefinite. Indeed, as the above-identified patents reflect, the terms "warp yarns" and "filling yarns" are more typically utilized with respect to such crochet knitted structures than are the terms "wale" and "course" suggested in the Office Action.

With respect to the rejection of the standing claims under Section 102(b) as being anticipated by the European Matsumoto reference, the applicant also respectfully disagrees.

As the specification and claims of the present application make clear, the present invention resides in a so-called "mattress closing tape", a term of art well recognized and understood in the bedding industry to signify a narrow-width elongate band used to enclose a perimeter edge cord or bead in the upholstery of mattresses and box springs. The claims of the present application further define the present mattress closing tape as being of a crochet warp knitted construction comprised of both warp and filling yarns inter-knitted with each other.

By contrast, the European Matsumoto reference fails to teach or disclose any of these characteristics of the present invention. Specifically, Matsumoto has nothing to do with mattress closing tapes, but rather discloses only a "water retention net" used as a landscaping or agricultural fabric for stabilizing the growth of vegetation along slopes and similarly non-flat terrain. Clearly, therefore, the Matsumoto fabric is not properly characterized as a band or tape, is not of a narrow-width construction of any other character, and is not at all suitable to function as a mattress closing tape.

Moreover, the Matsumoto fabric is not a crochet knitted structure and does not comprise both warp and filling yarns in any disclosed embodiment. Indeed, the Office Action itself recognizes that the Matsumoto fabric is made on a double raschel machine

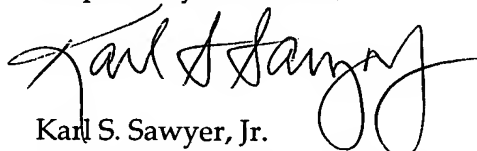
in the form of a double-knitted fabric. This teaching by Matsumoto would be readily recognized by a person of ordinary skill in the knitting art to be different from and to exclude crochet knitted structures. This is further evidenced and borne out by Matsumoto's disclosure and illustration of the particular knitted structures in Figures 4 and 5. These knitted structures are representative of raschel warp knitted structures formed exclusively of warp yarns inter-knitted together without inclusion of any transversely extending filling yarns (if one traces each individual yarn depicted in Figures 3 and 4 through the Matsumoto fabric, it is readily recognized that each yarn is a warp yarn extending lengthwise through the entire elongate extent of the fabric, without any transversely extending filling yarns).

Thus, it is respectfully submitted that Matsumoto not only fails to anticipate the present crochet-knitted mattress closing tape, but indeed Matsumoto contains no teaching or suggestion reasonably relevant or analogous to either mattress closing tapes or crochet knitted structures.

Consistent with the foregoing, the applicant has amended claim 1 hereinabove, to state explicitly what is believed to be clearly implicit to persons of ordinary skill in the art, i.e., that the present mattress closing tape is a narrow-width textile fabric band having a fabric structure sufficiently flexible to be adapted to closely conform to an edge bead in a mattress. Such amendment is therefore submitted to additionally clarify these distinguishing characteristics of the present invention.

For all of the reasons set forth above, it is respectfully submitted that the claims of this application patentably define the present invention over the cited prior art. Favorable reconsideration and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,



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